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place. But so delicate and complicated are China's relations of international concern that a comprehensive understanding of its international status can scarcely be had without resorting to the various treaties and agreements made with and concerning China during the last three decades. The two volumes under review, the result of elaborate and painstaking labor by Mr. John V. A. MacMurray, certainly answer the very purpose.

The first volume covers the period from 1894 to 1911, which has been characterized as a period of international struggle for concessions. Among the treaties then made, those concerning foreign loans, territorial leases, definitions of spheres of interest, declarations of non-alienation, extra-territoriality, and mining and railway concessions were the most conspicuous. The reaction on the part of China culminated finally in a revolution and the establishment of the Republic.

The second volume covers the period from 1912 to 1919, in which the policies of foreign powers underwent some radical changes. International coöperation and control supplanted international struggle for concessions. The consortium was the chief instrumentality through which the powers acted, although separate loans and concessions were none the less prominent.

The division into treaties made under the Manchu dynasty and those made under the Republic is logical. Since the forms of government are fundamentally different, the bodies in which the treaty power is vested are necessarily different, the King in one case and the Parliament as expressly provided in the written Constitution in the other. Although the editor wisely refrains from any statements as to the validity of the various treaties, the fact remains that those made since 1913 have not been ratified, and most of them, owing to their obnoxious character, could never have been ratified by the Parliament. In this group of treaties are found the notorious Twenty-one Demands, Military Compact, Army and Navy Agreement, etc., which form a vital issue between the Peking government, recognized by the powers, and the constitutional government supported by the legal parliament.

All the treaties are arranged in chronological order. There are many valuable explanatory notes, and authentic maps are inserted. The appendices and index also help to make the materials more readily accessible. This "labor of love," as Dr. Scott very appropriately puts it, should certainly be credited as a most valuable aid to the more thorough understanding, not only of China's problems, but also of the policies of the different powers towards China and the probable fruits of those policies.

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S. C. Ho.

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A TREATISE ON THE LAW OF MARRIAGE, DIVORCE, SEPARATION, AND DOMESTIC RELATIONS. By James Schouler. Sixth edition, by Arthur W. Blakemore. Albany: Mathew Bender & Co. 1921. Three volumes: pp. xxx, 1344; 1345-2292a; viii, 2293-3038.

This work is based on Professor Schouler's well-known works on Domestic Relations and on Husband and Wife, the former having appeared

first in 1870 (with later editions in 1874, 1882, 1889 and 1895) and the latter in 1882. In addition to the subjects there covered by Professor Schouler, the present work includes a third volume containing the full text of the divorce statutes in all of the United States.

The two older works by Professor Schouler covered somewhat the same ground, his work on Husband and Wife being merely an amplification of his treatment of that subject in his work on Domestic Relations. The duplication of treatment which was natural and desirable in the two separate books is continued to some extent in the present work. Volume I, on Domestic Relations, contains introductory and concluding chapters on marriage and on separation and divorce which attempt to summarize the contents of Volume II on Marriage and Divorce. These chapters are, of course, useless under the circumstances, and might well have been omitted. The space they occupy could have been much better used for a table of cases, the absence of which is a very grave defect, inexcusable in a compendious work.

Since the first edition of "Domestic Relations" the subjects covered in these volumes have undergone a tremendous change, a change perhaps more complete and revolutionary than in any other major field of the law. In 1870 the emancipation of married women had been in process for many years, but it had progressed only a little way in comparison with the present situation. The mediaeval rules of unity of person, of the wife's personal and economic subjection to her husband, were still pretty generally enforced; the legislative inroads on those ancient doctrines were jealously suspected by the courts and were given only grudging recognition. Now there is little left of the old rules; as Mr. Blakemore tells us in Section 4 of the present work: "It can almost be said that the modern wife has a legal right which, fortunately for all of us, she does not exercise, to leave home in the morning and go to work, collect and keep her own wages and leave her husband to do the housework and take care of the babies." The author's touching expression of the pitiable plight of poor man is not overstated. In most jurisdictions wives are entitled to their own earnings, and can spend them as they will, free from any control by their husbands. But if a husband doesn't spend his earnings for the support of wife and children, he is a felon and goes to prison. So, too, in many states a wife can sell her land without the consent of her husband, while he cannot sell his land unless he secures her signature to the deed to bar her dower. Compare this with the law of a century—or even a half-century—ago! The changes have been less marked in the fields of Infancy and of Parent and Child, though even there the demands of society have made considerable inroads on the old rules, especially as to the custody of children.

Such a field of law—constantly shifting and yielding to new sociological demands—is covered by this work of Mr. Blakemore, working on the foundation of Professor Schouler's earlier (and now sometimes obsolete) discussion of these important relations. It has been a very difficult task. Different courts, with different ideas of the needs of society, have yielded much, or little, or not at all, to various pressures brought to bear by new and

growing forces in the social fabric. The result is a nearly hopeless welter of decisions, which the author has pretty skillfully classified and summarized in his text. He has perhaps followed too closely the discussion by his illustrious predecessor; in many cases he has added new paragraphs containing a statement of recently-developed doctrine, when it might have been better to rewrite a preceding paragraph based on the older work. But on the whole the work is excellently done. The foot-notes frequently contain illuminating classifications of authorities—a very helpful device which is all too rare in recent textbooks—and seem to include all of the cases on the subject, though the absence of a table of cases makes it impossible to check the accuracy of the latter statement.

EVANS HOLBROOK.

THE CONSTITUTIONAL LAW OF THE PHILIPPINE ISLANDS. By George A. Malcolm. Philippine Legal Series, Vol. I. Rochester: The Lawyers' Coöperative Publishing Co. 1920. Pp. xxiii, 702.

The author of this book has brought to its preparation an extraordinary equipment for the work, for besides his still continuing service as Associate Justice of the Supreme Court of the Philippine Islands, he holds the chair of Public Law in the University of the Philippines, has been the Assistant Attorney-General, was the organizer and Dean of the present Law School of the University of the Philippines, and has written texts and preliminary studies upon the subject of his present book. Justice Malcolm has, in fact, an impressive total of accomplishment to his credit, particularly in view of the fact that he is still a young man. The book is a most valuable contribution to the study of Philippine institutions, both as a working manual for those engaged in the administration of its affairs, and as an aid to students of the institutions of the Philippine Islands and of legal and political institutions generally.

Part I of the volume is introductory in nature, containing definitions and statements of general principles concerning the nature of Constitutional Law and the adoption, alteration, construction and interpretation of constitutions. This part of the book is necessarily brief and cannot be considered an original contribution to political science; but it is of aid in defending the author's point of view and in calling the attention of the reader, at the outset, to some fundamental conceptions and assumptions to be kept in mind.

Part II contains compressed but exceedingly interesting and helpful sketches of the constitutions of England and the United States, of Australia, Spain, the Republic of Cuba, Mexico, and Japan, and of the so-called "Malolos Constitution." The latter is a document of exceeding interest and, so far as the reviewer knows, not elsewhere easily available, except perhaps in a Senate document. This comparative study is too brief to permit of absolute accuracy of statement, for Constitutional Law cannot be compressed in expression without undergoing certain mutilations; but it would be difficult to point to other brief summaries of this nature as carefully worked out and as helpful to the student of constitutional arrangements.